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 SPANSION LLC

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

SPANSION LLC,

 Plaintiff,

 v.

MACRONIX INTERNATIONAL CO., LTD.;
 MACRONIX AMERICA, INC.;
 ACER INC.;
 ACER AMERICA CORPORATION;
 ADT CORPORATION;
 AMAZON.COM, INC.;
 ASROCK INC.;
 ASROCK AMERICA, INC.;
 ASUSTEK COMPUTER INC.;
 ASUS COMPUTER
 INTERNATIONAL (AMERICA);
 BELKIN INTERNATIONAL, INC.;
 D-LINK CORPORATION;
 D-LINK SYSTEMS;
 LEAP MOTION, INC.;

Case No. _____

**COMPLAINT FOR
 PATENT INFRINGEMENT

 DEMAND FOR JURY TRIAL**

1 LOWE'S COMPANIES, INC.;)
2 LOWE'S HOME CENTERS, INC.;)
3 MICROSOFT CORP.;)
4 NINTENDO CO. LTD.;)
5 NINTENDO OF AMERICA, INC.;)
6 SERCOMM CORPORATION;)
7 VONAGE HOLDINGS CORP.;)
8 VONAGE AMERICA INC.;)
9 VONAGE MARKETING LLC,)
10 Defendants.)

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Plaintiff Spansion LLC (“Spansion”), for its Complaint against Defendants Macronix International Co., Ltd. and Macronix America, Inc. (“Macronix Defendants”); Acer Inc. and Acer America Corporation (“Acer Defendants”); ADT Corporation (“ADT”); Amazon.com, Inc. (“Amazon”); ASRock Inc. and ASRock America, Inc. (“ASRock Defendants”); ASUSTek Computer Inc. and ASUS Computer International (America) (“Asus Defendants”); Belkin International, Inc. (“Belkin”); D-Link Corporation and D-Link Systems (“D-Link Defendants”); Leap Motion, Inc. (“Leap Motion”); Lowe’s Companies, Inc. and Lowe’s Home Centers, Inc. (“Lowe’s Defendants”); Microsoft Corp. (“Microsoft”); Nintendo Co. Ltd. and Nintendo of America, Inc. (“Nintendo Defendants”); Sercomm Corporation (“Sercomm”); Vonage Holdings Corp., Vonage America Inc., and Vonage Marketing LLC (“Vonage Defendants”) (collectively, “Defendants”), upon personal knowledge as to its own actions and upon information and belief as to actions by others, hereby alleges as follows:

INTRODUCTION

1. This is an action for patent infringement brought before this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a). Spansion seeks remedies for Defendants’ infringement of one or more claims of U.S. Patent Nos. 6,246,611 (“the ’611 Patent”), 6,399,446 (“the ’446 Patent”), 6,436,766 (“the ’766 Patent”), and 6,744,666 (“the ’666 Patent”) (collectively, the “Spansion Patents”). True and correct copies of the Spansion Patents are attached hereto as Exhibits A through D.

PARTIES

2. Spansion LLC is a wholly owned operating subsidiary company of Spansion, Inc. Spansion LLC is incorporated in Delaware and its headquarters are located at 915 DeGuigne Drive, Sunnyvale, CA 94085. Spansion LLC is the owner of the Spansion Patents.

3. Upon information and belief, Macronix International Co., Ltd., is a corporation organized under the laws of Taiwan, having its principal place of business at No. 16, Li-Hsin Road, Science Park, Hsin-chu, Taiwan. Macronix International Co., Ltd., makes, uses, sells,

1 offers to sell, and imports certain Macronix non-volatile memory chips that infringe the
2 Spansion Patents (“Macronix Chips”) in this District.

3 4. Upon information and belief, Macronix America, Inc., is a corporation organized
4 under the laws of the State of California, having its principal place of business at 680 North
5 McCarthy Blvd., Suite 200, Milpitas, CA 95035. Macronix America, Inc., uses, sells, offers to
6 sell, and imports the Macronix Chips that infringe the Spansion Patents in this District.

7 5. Upon information and belief, Acer Inc. is a corporation organized under the laws
8 of Taiwan and has its principal place of business at 8F, 88, Sec. 1, Xintai 5th Rd., Xizhi, New
9 Taipei City 221, Taiwan. Acer Inc. sells its products, including those that contain Macronix
10 Chips, in this District.

11 6. Upon information and belief, Acer America Corporation is a corporation
12 organized under the laws of the State of California and has its principal place of business at 333
13 West San Carlos Street, Suite 1500, San Jose, CA 95110. Acer America Corporation is a
14 wholly-owned subsidiary of Acer Inc. Acer America Corporation sells its products, including
15 those that contain Macronix Chips, in this District.

16 7. Upon information and belief, ADT Corporation is a corporation organized under
17 the laws of the State of Florida and has its principal place of business at 1501 Yamato Road,
18 Boca Raton, FL 33431. ADT sells its products, including those that contain Macronix Chips, in
19 this District.

20 8. Upon information and belief, Amazon.com, Inc. is a corporation organized under
21 the laws of the State of Delaware and has its principal place of business at 410 Terry Avenue
22 North, Seattle, WA 98109. Amazon sells its products, including those that contain Macronix
23 Chips, in this District.

24 9. Upon information and belief, ASRock Inc. is a corporation organized under the
25 laws of Taiwan and has its principal place of business at 2F No. 37, Sec. 2, Jhongyang S. Rd.,
26 Beitou District, Taipei City 112, Taiwan. ASRock Inc. sells its products, including those that
27 contain Macronix Chips, in this District.

1 10. Upon information and belief, ASRock America, Inc. is a corporation organized
2 under the laws of the State of California and has its principal place of business at 13848
3 Magnolia Ave., Chino, CA 91710. It is a wholly-owned subsidiary of ASRock Inc. ASRock
4 America, Inc. sells its products, including those that contain Macronix Chips, in this District.

5 11. Upon information and belief, ASUSTek Computer Inc. is a corporation
6 organized under the laws of Taiwan and has its principal place of business at No. 15, Li-Te Rd.,
7 Beitou District, Taipei 112, Taiwan. ASUSTek Computer Inc. sells its products, including those
8 that contain Macronix Chips, in this District.

9 12. Upon information and belief, ASUS Computer International (America) is a
10 corporation organized under the laws of the State of California and has its principal place of
11 business at 800 Corporate Way, Fremont, CA 94539. It is a wholly-owned subsidiary of
12 ASUSTek Computer Inc. Asus Computer International (America) sells its products, including
13 those that contain Macronix Chips, in this District.

14 13. Upon information and belief, Belkin International, Inc. is a corporation organized
15 under the laws of the State of Delaware and has its principal place of business at 12045 E.
16 Waterfront Drive, Playa Vista, CA 90094. Belkin sells its products, including those that contain
17 Macronix Chips, in this District.

18 14. Upon information and belief, D-Link Corporation is a corporation organized
19 under the laws of Taiwan and has its principal place of business at No. 289, Sinhu 3rd Road,
20 Neihsu District, Taipei City, 114 Taiwan. D-Link Corporation sells its products, including those
21 that contain Macronix Chips, in this District.

22 15. Upon information and belief, D-Link Systems is a corporation organized under
23 the laws of California and has its principal place of business at 17595 Mt. Herrmann Street,
24 Fountain Valley, California 92708. It is a wholly owned subsidiary of D-Link Corporation. D-
25 Link Systems sells its products, including those that contain Macronix Chips, in this District.

26 16. Upon information and belief, Leap Motion, Inc. is a corporation organized under
27 the laws of the State of Delaware and has its principal place of business at 333 Bryant Street,
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1 Suite LL150, San Francisco, CA 94107. Leap Motion sells its products, including those that
2 contain Macronix Chips, in this District.

3 17. Upon information and belief, Lowe's Companies, Inc. is a corporation organized
4 under the laws of the State of North Carolina and has its principal place of business at 1000
5 Lowes Blvd., Mooresville, NC 28117. Lowe's Companies, Inc. sells its products, including
6 those that contain Macronix Chips, in this District.

7 18. Upon information and belief, Lowe's Home Centers, Inc. is a corporation
8 organized under the laws of the State of North Carolina and has its principal place of business at
9 1605 Curtis Bridge Rd., Wilkesboro, NC 28117. Lowe's Home Centers, Inc. sells its products,
10 including those that contain Macronix Chips, in this District.

11 19. Upon information and belief, Microsoft Corp. is a corporation organized under
12 the laws of the State of Washington and has its principal place of business at One Microsoft
13 Way, Redmond, WA 98052. Microsoft sells its products, including those that contain Macronix
14 Chips, in this District.

15 20. Upon information and belief, Nintendo Co. Ltd. is a corporation organized under
16 the laws of Japan and has its principal place of business at 11-1 Kamitobo-hokotate-cho,
17 Minami-ku, Kyoto, Japan. Nintendo Co., Ltd. sells its products, including those that contain
18 Macronix Chips, in this District.

19 21. Upon information and belief, Nintendo of America, Inc. is a corporation
20 organized under the laws of the State of Washington and has its principal place of business at
21 4600 150th Avenue NE, Redmond, Washington 98052. It is a wholly-owned subsidiary of
22 Nintendo Co., Ltd. Nintendo of America, Inc. sells its products, including those that contain
23 Macronix Chips, in this District.

24 22. Upon information and belief, Sercomm Corporation is a corporation organized
25 under the laws of Taiwan and has its principal place of business at 8F, No. 3-1, Yuan Qu St.,
26 Nan Kang, Taipei 115, Taiwan. Sercomm maintains an additional place of business at 42808
27 Christy St. STE 231 Fremont, CA 94538. Sercomm Corporation sells its products, including
28 those that contain Macronix Chips, in this District.

1 23. Upon information and belief, Vonage Holdings Corp. is a corporation organized
2 under the laws of the State of Delaware and has its principal place of business at 23 Main Street,
3 Holmdel, NJ 07733. Vonage Holdings Corp. sells its products, including those that contain
4 Macronix Chips, in this District.

5 24. Upon information and belief, Vonage America Inc. is a corporation organized
6 under the laws of the State of Delaware and has its principal place of business at 23 Main Street,
7 Holmdel, NJ 07733. Vonage America Inc. sells its products, including those that contain
8 Macronix Chips, in this District.

9 25. Upon information and belief, Vonage Marketing LLC is a limited liability
10 company organized under the laws of the State of Delaware and has its principal place of
11 business at 23 Main Street, Holmdel, NJ 07733. Vonage Marketing LLC sells its products,
12 including those that contain Macronix Chips, in this District.

13 **JURISDICTION AND VENUE**

14 26. This action arises under the patent laws of the United States, Title 35 of the
15 United States Code. This Court has exclusive subject matter jurisdiction under 28 U.S.C.
16 §§ 1331 and 1338(a).

17 27. This Court has personal jurisdiction over Defendants for at least the following
18 reasons: (i) upon information and belief, Defendants have committed acts of patent
19 infringement, and/or contributed to or induced acts of patent infringement by others, in this
20 District and elsewhere in California and the United States; (ii) Defendants regularly do business,
21 solicit business, engage in other persistent courses of conduct, and/or derive substantial revenue
22 from products and/or services provided to individuals in this District and in this State;
23 (iii) Defendants have purposefully established substantial, systematic, and continuous contacts
24 with this District and expect or should reasonably expect to be sued here; (iv) and, for
25 Defendants Macronix America, Inc., Acer America Corporation, Asus Computer International
26 (America), and Leap Motion, each has its principal place of business, and Defendant Sercomm
27 maintains a place of business, in the Northern District of California.
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1 28. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 1400(b)
2 because Defendants transact business in this District, are subject to personal jurisdiction in this
3 District, and have committed acts of infringement in this District.

4 **INTRADISTRICT ASSIGNMENT**

5 29. This is an Intellectual Property Action to be assigned on a district-wide basis
6 pursuant to Civil Local Rule 3-2(c).

7 **BACKGROUND**

8 30. Spansion is a leading provider of the non-volatile memory technology at the
9 heart of the world's electronics systems. It is dedicated to designing, developing,
10 manufacturing, marketing, and selling non-volatile memory solutions. Spansion designs,
11 develops, and manufactures various types of non-volatile memory, including a type of
12 electrically erasable programmable read-only memory commonly known as "flash memory." It
13 is also one of the last major manufacturers of non-volatile memory remaining in the United
14 States, with its headquarters in Sunnyvale, California, and fabrication and testing facilities in
15 Austin, Texas. Spansion has over \$900 million in net sales each year.

16 31. Spansion designs, develops, manufactures, markets, licenses, and sells non-
17 volatile memory technology and solutions for retail, commercial, and institutional customers
18 worldwide. Its non-volatile memory products primarily store data and software code for
19 microprocessors, controllers and other programmable semiconductors which run applications in
20 a broad range of electronics systems. These electronic systems include, for example, computing
21 and communications, automotive and industrial, consumer and gaming, wireless and machine-
22 to-machine devices. Spansion manufactures and is in the process of further developing non-
23 volatile memory products that use the technology claimed in the Spansion Patents.

24 32. Spansion devotes substantial resources to its highly sophisticated research and
25 development program in the United States, and as a result, is a leading innovator in the non-
26 volatile memory technology industry. For example, Spansion has developed a revolutionary 2-
27 bits-per-cell, charge-trapping non-volatile memory technology called MirrorBit®, which is
28 designed to provide superior cell size and scalability. Using MirrorBit® technology, Spansion

1 introduced the industry's first 8Gb monolithic NOR product in early 2013. Charge trapping
2 technology, including Spansion's MirrorBit® technology, is widely described as the next
3 generation of flash memory. Spansion has also developed various technologies that make non-
4 volatile memory manufacturing more efficient and help increase the density and capacity of
5 non-volatile memory devices.

6 33. Spansion's ability to compete and its success as a company depend on its ability
7 to innovate and to protect these innovations. To that end, Spansion spends substantial sums on
8 research and development each year in products protected by the Spansion Patents. Spansion
9 has made significant investments in the manufacture of products covered by its patents here in
10 this District. Spansion also expects to invest even more in products that benefit from its
11 ongoing research and development based on the technology covered by the Spansion Patents.

12 34. Spansion's ability to compete also depends on protecting its inventions through
13 patents. Spansion's long-term financial success depends, in significant part, on its ability to
14 establish, maintain, and protect its proprietary technology through enforcement of its patent
15 rights. That ability has been significantly compromised by the acts complained of in this
16 Complaint.

17 **ASSERTED PATENTS**

18 35. Spansion is the owner by assignment of all rights, title, and interest in the
19 Spansion Patents, including the right to bring this suit for injunctive relief and damages.

20 36. The '611 Patent, titled "System for erasing a memory cell," was duly and legally
21 issued by the United States Patent and Trademark Office on June 12, 2001.

22 37. The '446 Patent, titled "Process for fabricating high density memory cells using a
23 metallic hard mask," was duly and legally issued by the United States Patent and Trademark
24 Office on June 4, 2002.

25 38. The '766 Patent, titled "Process for fabricating high density memory cells using a
26 polysilicon hard mask," was duly and legally issued by the United States Patent and Trademark
27 Office on August 20, 2002.
28

1 39. The '666 Patent, titled "Method and system to minimize page programming time
2 for flash memory devices," was duly and legally issued by the United States Patent and
3 Trademark Office on June 1, 2004.

4 **FACTS COMMON TO ALL COUNTS**

5 **The Spansion Patents**

6 40. In general, the Spansion Patents cover various aspects of a type of electronic
7 memory known as "non-volatile memory," which retains information even in the absence of a
8 power source. Even without power, a single non-volatile memory "cell" can retain information
9 for many years. For example, in cell phones, personal information such as names and telephone
10 numbers and multimedia such as music, video, and photos can be stored in the phone's non-
11 volatile memory and will remain in that memory even when the phone is turned off. In contrast,
12 other types of computer memory, such as dynamic random-access memory ("DRAM"), lose
13 data if electrical power is removed.

14 41. Certain types of electrically erasable and programmable non-volatile memory
15 cells, commonly known as "flash memory," store information in the form of electrical charge(s).
16 Thus, conventional flash memory cells are programmed by injecting electrons (the charge) into
17 the cell. Conversely, a flash memory cell is erased by removing the electrons. A flash memory
18 cell can be read to determine the presence or absence of electrical charge(s).

19 42. When evaluating electrically erasable and programmable non-volatile memory
20 solutions such as flash memory, manufacturers consider cost (typically expressed in cost per bit
21 of information), read/write access time, endurance (*i.e.*, number of read/write cycles that a
22 product can tolerate before malfunctioning), and long-term data retention.

23 43. The technologies described in the Spansion Patents relate generally to systems
24 and methods for fabricating memory devices, and for programming and erasing non-volatile
25 memory devices, enabling the devices to operate in a faster, less expensive, and more reliable
26 manner.

The Accused Products

44. Based on currently available information, the accused Macronix Chips include the Macronix Generation E NOR Flash Memory (110 nm Technology Node) family of products, the Macronix Generation F NOR Flash Memory (75 nm Technology Node) family of products, and the Macronix XtraROM Flash Memory family of products, including, but not limited to, the Macronix Chips identified below in paragraphs 49 to 51.

45. Based on currently available information, the accused products also include consumer electronic products that contain an accused Macronix Chip, including, but not limited to, laptop computers, tablet computers, digital cameras, telephone adapters, routers, wireless controllers, game cartridges, and game consoles.

46. Macronix's literature groups non-volatile memory products by family and generation. *See, e.g.*, Macronix Product Selection Guide, attached hereto as Exhibit E. Each Macronix NOR Chip is designated with the generation to which it belongs. *Id.* Further, upon information and belief, each "generation" of Macronix Chips refers to a different technology node. A "technology node" refers to the process used to fabricate the chip and each process generally results in the size of the features (individual elements such as transistors) that make up the structures on a non-volatile memory chip being a certain size (*e.g.*, 75 nm, 110 nm, 130 nm, etc., where "nm" means nanometer). Therefore, the process used to manufacture a 110 nm chip is known as a "110 nm process technology." It can also be referred to as a "110 nm technology node" or "110 nm process node."

47. Upon information and belief, all Macronix Chips within each of Macronix's respective generations, or technology nodes, are manufactured by similar processes and have substantially similar structure as well as electrical characteristics of individual components such as the core cell and periphery transistors. Within each technology node, Macronix's products can be further separated, *e.g.*, into Serial NOR Flash Memory and Parallel NOR Flash Memory categories based on the interface architecture. The Parallel NOR Flash Memory category can be subdivided into page-mode and standard-mode.

48. The Macronix Chips at issue can be grouped into the following generations of non-volatile memory chips (although this list is not intended to be exhaustive):

Generation F — Macronix 75 nm NOR Flash Technology Node,

Generation E — Macronix 110 nm NOR Flash Technology Node, and

Macronix XtraROM Family

49. On information and belief, the following is a non-exhaustive list of Macronix Chips in the Macronix 75 nm NOR Flash Technology Node:

| Macronix Chip Family – Generation F | | |
|-------------------------------------|---------------|---------------|
| MX25L12835F | MX66U51235F | MX29GA128FH/L |
| MX25L12873F | MX29VS128F | MX29GA129FH/L |
| MX25L25635F | MX29GL128FH/L | MX29GA256FH/L |
| MX25L25735F | MX29GL128FU/D | MX29GA257FH/L |
| MX66L51235F | MX29GL256FH/L | MX29GA512FH/L |
| MX25U1635F | MX29GL256FU/D | MX68GA1G0FH/L |
| MX25U3235F | MX29GL512FH/L | MX25L12855F |
| MX25U6435F | MX29GL512FU/D | MX25L25655F |
| MX25U12835F | MX29GL1G0FH/L | |
| MX25U25635F | MX29GL1G0FU/D | |

50. On information and belief, the following is a non-exhaustive list of Macronix Chips in the Macronix 110 nm NOR Flash Technology Node:

| Macronix Chip Family – Generation E | | |
|--|---------------|---------------|
| MX25L512E | MX25L3235E | MX29GL640EH/L |
| MX25L5121E | MX25L3273E | MX29GL640ET/B |
| MX25L1006E | MX25L6435E | MX29GL128EH/L |
| MX25L1021E | MX25L6473E | MX29LA320EH/L |
| MX25L2006E | MX25V512E | MX29LA640EH/L |
| MX25L4006E | MX25V1006E | MX29GA320EH/L |
| MX25L8006E | MX25V2006E | MX29GA321EH/L |
| MX25L1606E | MX25V4006E | MX29GA640EH/L |
| MX25L3206E | MX25V8006E | MX29GA641EH/L |
| MX25L6406E | MX25U2033E | MX25L1608E |
| MX25L1026E | MX25U4033E | MX25L3208E |
| MX25L2026E | MX25U8033E | MX25L3255E |
| MX25L4026E | MX29LV320ET/B | MX25L6408E |
| MX25L8035E | MX29LV640ET/B | MX25L6456E |
| MX25L8036E | MX29NS320E | 25L1001 |
| MX25L8073E | MX29NS640E | 25L4001 |
| MX25L1633E | MX29NS128E | MX25L12845E |
| MX25L1635E | MX29GL256EH/L | |
| MX25L1636E | MX29GL320EH/L | |
| MX25L1673E | MX29GL320ET/B | |

51. On information and belief, the following is a non-exhaustive list of Macronix Chips in the Macronix XtraROM Family:

| Macronix Chip Family – XtraROM | | | |
|---------------------------------------|---------|---------|---------|
| MX23J512 | MX23J1G | MX23J2G | MX23J4G |

52. Upon information and belief, as to the technology at issue in the '611 Patent, all Macronix NOR Flash Memory chips within a node operate in the same manner, as the '611 Patent relates to the operation of the core cell, which has substantially similar characteristics within a node. Any differences are not relevant to the '611 Patent.

53. Upon information and belief, as to the technology at issue in the asserted '446 and '766 Patents, all Macronix XtraROM chips are fabricated in the same manner. Any differences are not relevant to the '446 Patent or the '766 Patent.

54. Upon information and belief, as to the technology at issue in the '666 Patent, all Macronix Page-Mode Parallel NOR Flash Memory chips within a node operate in the same

1 manner, and all Macronix Serial NOR Flash Memory chips within a node operate in the same
2 manner. Any differences are not relevant to the '666 Patent.

3 55. Upon information and belief, Macronix manufactures the infringing Macronix
4 Chips and imports them into the United States for sale in the United States.

5 56. Upon information and belief, Macronix sells the infringing Macronix Chips to
6 third parties, including the non-Macronix Defendants, for inclusion in consumer electronic
7 products, which are imported into and/or offered for sale or sold in the United States.

8 **COUNT I**
9 **(INFRINGEMENT OF THE '611 PATENT)**

10 57. Plaintiff incorporates by reference paragraphs 1 through 56 above as if fully set
11 forth herein.

12 **Macronix Defendants**

13 58. The Macronix Defendants have infringed, and continue to infringe, at least
14 claims 1-7 and 9-13 of the '611 Patent, either literally or under the doctrine of equivalents, by
15 making, using, offering for sale, and selling within the United States, and/or importing into the
16 United States, products that practice the inventions claimed in the '611 patent, including, but not
17 limited to, the Macronix Generation E NOR Flash Memory (110 nm Technology Node) family
18 of products and/or the Macronix Generation F NOR Parallel Flash Memory (75 nm Technology
19 Node) family of products. A chart demonstrating how each of the Macronix Generation E NOR
20 Serial Flash Memory (110 nm Technology Node) family of products and the Macronix
21 Generation F NOR Flash Memory (75 nm Technology Node) family of products satisfies
22 exemplary claim 1 of the '611 Patent, is attached as Exhibit M (under seal).

23 59. Upon information and belief, the Macronix Defendants have directly contributed
24 to and/or induced infringement of the '611 Patent through supplying infringing components to
25 their customers. The Macronix Defendants' customers, downstream companies, and/or
26 customers of downstream companies who purchased such components and operate such
27 components in accordance with the Macronix Defendants' instructions directly infringe one or
28 more of claims 1-7 and 9-13 of the '611 Patent in the United States.

1 60. Upon information and belief, the Macronix Defendants were aware of the '611
2 Patent or will have knowledge of the '611 Patent and their infringing activity based on the
3 public filing of this Complaint.

4 61. Upon information and belief, the Macronix Defendants have indirectly infringed
5 and continue to indirectly infringe the '611 Patent by actively inducing others, including at least
6 the Acer Defendants, ADT, Amazon, the ASRock Defendants, the Asus Defendants, Belkin, the
7 D-Link Defendants, Leap Motion, the Lowe's Defendants, Microsoft, the Nintendo Defendants,
8 Sercomm and the Vonage Defendants, to offer for sale and/or sell within the United States,
9 and/or import into the United States, devices containing the infringing Macronix Chips.

10 62. Upon information and belief, the Macronix Defendants have also indirectly
11 infringed and continue to indirectly infringe the '611 Patent by actively inducing others,
12 including at least the Acer Defendants, ADT, Amazon, the ASRock Defendants, the Asus
13 Defendants, Belkin, the D-Link Defendants, Leap Motion, the Lowe's Defendants, Microsoft,
14 the Nintendo Defendants, Sercomm and the Vonage Defendants, and/or end-users of consumer
15 devices containing the Macronix Chips, to perform some or all of the steps of the method claims
16 of the '611 Patent.

17 63. Upon information and belief, the Macronix Defendants specifically intend to
18 induce the direct infringement of the '611 Patent by instructing and encouraging their customers
19 and downstream companies to use the Macronix Chips. Such instructions and encouragement
20 include but are not limited to advising third parties to use the Macronix Chips in an infringing
21 manner, advertising and promoting the use of the Macronix Chips in an infringing manner, and
22 distributing guidelines and instructions to third parties on how to use the Macronix Chips in an
23 infringing manner.

24 64. The Macronix Defendants encourage downstream companies worldwide to
25 switch from Spansion chips to the infringing Macronix Chips. For example, the Macronix
26 Defendants publicly publish and maintain a series of Application Notes explaining and directing
27 how to do so. Exhibit F. One such Application Note is entitled "Replacing Spansion
28

1 S25FL128S with Macronix MX25L12835F,” and teaches the Macronix Defendants’ customers
2 how to replace Spansion products with infringing Macronix Chips. Exhibit G.

3 65. The Macronix Defendants include instructions with the Macronix Chips and on
4 their web site teaching users of the Macronix Chips to install and use the Macronix Chips. *See*
5 Macronix Datasheets, Exhibits H-L. For example, the Macronix Defendants provide
6 instructions on their web site and with the Macronix Chips teaching users how to perform an
7 erase operation using the Macronix Chips. *See, e.g.*, MX29GL128F Datasheet, Exhibit J, at 19.
8 When Macronix’s customers use Macronix Chips in their intended manner, as described in
9 Exhibit M, the Macronix customers directly infringe the asserted claims of the ’611 Patent.

10 66. The Macronix Defendants have had knowledge of the ’611 Patent at least as of
11 the filing of this Complaint and, by continuing the actions described above, knew that the acts
12 that they encouraged others to take infringed the ’611 Patent.

13 67. Upon information and belief, the Macronix Defendants also contribute to the
14 infringement of others by offering to sell, selling within the United States, and/or importing into
15 the United States the Macronix Chips that constitute a material part of the invention claimed in
16 the ’611 Patent, knowing the same to be especially made and/or adapted for use in an
17 infringement of the ’611 Patent, and not staple articles of commerce suitable for substantial non-
18 infringing use. The Macronix Chips are specially designed to infringe the asserted claims of the
19 ’611 Patent and have no substantial non-infringing uses.

20 68. The Macronix Defendants’ infringing activities have caused and will cause
21 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
22 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
23 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
24 further infringing activity.

25 **Acer Defendants**

26 69. The Acer Defendants have infringed, and continue to infringe, the ’611 Patent by
27 making, using, offering for sale, and selling within the United States, and/or importing into the
28

1 United States, electronic devices that contain infringing Macronix Chips, including but not
2 limited to the Acer Aspire V5 laptop computer.

3 70. The Acer Defendants' infringing activities have caused and will cause Spansion
4 irreparable harm for which there is no adequate remedy at law and damages in an amount yet to
5 be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284,
6 Spansion is entitled to recover damages, as well as permanent injunctive relief against further
7 infringing activity.

8 **ADT**

9 71. ADT has infringed, and continues to infringe, the '611 Patent by making, using,
10 offering for sale, and selling within the United States, and/or importing into the United States,
11 electronic devices that contain infringing Macronix Chips, including but not limited to the ADT
12 NV412A-ADT pulse video encoder.

13 72. ADT's infringing activities have caused and will cause Spansion irreparable
14 harm for which there is no adequate remedy at law and damages in an amount yet to be
15 determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spansion
16 is entitled to recover damages, as well as permanent injunctive relief against further infringing
17 activity.

18 **Amazon**

19 73. Amazon has infringed, and continues to infringe, the '611 Patent by making,
20 using, offering for sale, and selling within the United States, and/or importing into the United
21 States, electronic devices that contain infringing Macronix Chips, including but not limited to
22 the Amazon Kindle Paperwhite e-reader.

23 74. Amazon's infringing activities have caused and will cause Spansion irreparable
24 harm for which there is no adequate remedy at law and damages in an amount yet to be
25 determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spansion
26 is entitled to recover damages, as well as permanent injunctive relief against further infringing
27 activity.

ASRock Defendants

75. The ASRock Defendants have infringed, and continue to infringe, the '611 Patent by making, using, offering for sale, and selling within the United States, and/or importing into the United States, electronic devices that contain infringing Macronix Chips, including but not limited to the ASRock X79 Extreme 11 motherboard.

76. The ASRock Defendants' infringing activities have caused and will cause Spansion irreparable harm for which there is no adequate remedy at law and damages in an amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against further infringing activity.

Asus Defendants

77. The Asus Defendants have infringed, and continue to infringe, the '611 Patent by making, using, offering for sale, and selling within the United States, and/or importing into the United States, electronic devices that contain infringing Macronix Chips, including but not limited to the Asus RT-56U and RT-N16 routers.

78. The Asus Defendants' infringing activities have caused and will cause Spansion irreparable harm for which there is no adequate remedy at law and damages in an amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against further infringing activity.

Belkin

79. Belkin has infringed, and continues to infringe, the '611 Patent by making, using, offering for sale, and selling within the United States, and/or importing into the United States, electronic devices that contain infringing Macronix Chips, including but not limited to the Belkin N600 DC router.

80. Belkin's infringing activities have caused and will cause Spansion irreparable harm for which there is no adequate remedy at law and damages in an amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spansion

1 is entitled to recover damages, as well as permanent injunctive relief against further infringing
2 activity.

3 **D-Link Defendants**

4 81. The D-Link Defendants have infringed, and continue to infringe, the '611 Patent
5 by making, using, offering for sale, and selling within the United States, and/or importing into
6 the United States, electronic devices that contain infringing Macronix Chips, including but not
7 limited to the D-Link DIR-655 Xtreme N Gigabit router.

8 82. The D-Link Defendants' infringing activities have caused and will cause
9 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
10 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
11 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
12 further infringing activity.

13 **Leap Motion**

14 83. Leap Motion has infringed, and continues to infringe, the '611 Patent by making,
15 using, offering for sale, and selling within the United States, and/or importing into the United
16 States, electronic devices that contain infringing Macronix Chips, including but not limited to
17 Leap Motion wireless controller.

18 84. Leap Motion's infringing activities have caused and will cause Spansion
19 irreparable harm for which there is no adequate remedy at law and damages in an amount yet to
20 be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284,
21 Spansion is entitled to recover damages, as well as permanent injunctive relief against further
22 infringing activity.

23 **Lowe's Defendants**

24 85. The Lowe's Defendants have infringed, and continue to infringe, the '611 Patent
25 by making, using, offering for sale, and selling within the United States, and/or importing into
26 the United States, electronic devices that contain infringing Macronix Chips, including but not
27 limited to the Iris RC8221 wireless camera.

1 86. The Lowe's Defendants' infringing activities have caused and will cause
2 Spancion irreparable harm for which there is no adequate remedy at law and damages in an
3 amount yet to be determined for which Spancion is entitled to relief. Under 35 U.S.C. §§ 283
4 and 284, Spancion is entitled to recover damages, as well as permanent injunctive relief against
5 further infringing activity.

6 **Microsoft**

7 87. Microsoft has infringed, and continues to infringe, the '611 Patent by making,
8 using, offering for sale, and selling within the United States, and/or importing into the United
9 States, electronic devices that contain infringing Macronix Chips, including but not limited to
10 Microsoft Surface Pro 2.

11 88. Microsoft's infringing activities have caused and will cause Spancion irreparable
12 harm for which there is no adequate remedy at law and damages in an amount yet to be
13 determined for which Spancion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spancion
14 is entitled to recover damages, as well as permanent injunctive relief against further infringing
15 activity.

16 **Nintendo Defendants**

17 89. The Nintendo Defendants have infringed, and continue to infringe, the '611
18 Patent by making, using, offering for sale, and selling within the United States, and/or importing
19 into the United States, electronic devices that contain infringing Macronix Chips, including but
20 not limited to Nintendo 3DS Game Cartridges and the Nintendo Wii U console.

21 90. The Nintendo Defendants' infringing activities have caused and will cause
22 Spancion irreparable harm for which there is no adequate remedy at law and damages in an
23 amount yet to be determined for which Spancion is entitled to relief. Under 35 U.S.C. §§ 283
24 and 284, Spancion is entitled to recover damages, as well as permanent injunctive relief against
25 further infringing activity.

26 **Sercomm**

27 91. Sercomm has infringed, and continues to infringe, the '611 Patent by making,
28 using, offering for sale, and selling within the United States, and/or importing into the United

1 States, electronic devices that contain infringing Macronix Chips, including but not limited to
 2 the ADT NV412-ADT pulse video encoder and the Iris RC8221 wireless camera.

3 92. The Sercomm Defendants' infringing activities have caused and will cause
 4 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
 5 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
 6 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
 7 further infringing activity.

8 **Vonage Defendants**

9 93. The Vonage Defendants have infringed, and continue to infringe, the '611 Patent
 10 by making, using, offering for sale, and selling within the United States, and/or importing into
 11 the United States, electronic devices that contain infringing Macronix Chips, including but not
 12 limited to the Vonage VDV23-VD telephone adapter.

13 94. The Vonage Defendants' infringing activities have caused and will cause
 14 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
 15 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
 16 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
 17 further infringing activity.

18 **COUNT II** 19 **(INFRINGEMENT OF THE '446 PATENT)**

20 95. Plaintiff incorporates by reference paragraphs 1 through 56 above as if fully set
 21 forth herein.

22 **Macronix Defendants**

23 96. The Macronix Defendants have infringed at least claims 1, 5-12, 15-17 and 20-21
 24 of the '446 Patent by importing into the United States, or offering to sell, selling and/or using
 25 within the United States, products which were made by a process patented in the United States
 26 within the meaning of 35 U.S.C. § 271(g). An example of such infringing products is the
 27 Macronix XtraROM family of products. A chart illustrating how the Macronix XtraROM
 28

1 family of products satisfies exemplary claim 1 of the '446 Patent, is attached as Exhibit N
2 (under seal).

3 97. The Macronix Defendants' infringing activities have caused and will cause
4 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
5 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
6 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
7 further infringing activity.

8 **Nintendo Defendants**

9 98. The Nintendo Defendants have infringed, and continue to infringe, the '446
10 Patent by importing into the United States, or offering to sell, selling and/or using within the
11 United States, electronic devices that contain infringing Macronix Chips, which were made by a
12 process patented in the United States within the meaning of 35 U.S.C. § 271(g), including but
13 not limited to Nintendo 3DS Game Cartridges.

14 99. The Nintendo Defendants' infringing activities have caused and will cause
15 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
16 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
17 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
18 further infringing activity.

19 **COUNT III** 20 **(INFRINGEMENT OF THE '766 PATENT)**

21 100. Plaintiff incorporates by reference paragraphs 1 through 56 above as if fully set
22 forth herein.

23 **Macronix Defendants**

24 101. The Macronix Defendants have infringed at least claims 1, 4-11, 13-15, 17-18
25 and 22 of the '766 Patent through their importation into the United States, or their offering to
26 sell, selling and/or using within the United States, products which were made by a process
27 patented in the United States within the meaning of 35 U.S.C. § 271(g). An example of such
28 infringing products is the Macronix XtraROM family of products. A chart illustrating how the

1 Macronix XtraROM family of products satisfies exemplary claim 1 of the '766 Patent, is
2 attached as Exhibit O (under seal).

3 102. The Macronix Defendants' infringing activities have caused and will cause
4 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
5 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
6 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
7 further infringing activity.

8 **Nintendo Defendants**

9 103. The Nintendo Defendants have infringed, and continue to infringe, the '766
10 Patent by importing into the United States, or offering to sell, selling and/or using within the
11 United States, electronic devices that contain infringing Macronix Chips, which were made by a
12 process patented in the United States within the meaning of 35 U.S.C. § 271(g), including but
13 not limited to Nintendo 3DS Game Cartridges.

14 104. The Nintendo Defendants' infringing activities have caused and will cause
15 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
16 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
17 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
18 further infringing activity.

19 **COUNT IV** 20 **(INFRINGEMENT OF THE '666 PATENT)**

21 105. Plaintiff incorporates by reference paragraphs 1 through 56 above as if fully set
22 forth herein.

23 **Macronix Defendants**

24 106. The Macronix Defendants have infringed, and continue to infringe, at least
25 claims 1, 3-5, 8 and 10-13 of the '666 Patent, either literally or under the doctrine of
26 equivalents, by making, using, offering for sale, and selling within the United States, and/or
27 importing into the United States, products that practice the inventions claimed in the '666
28 patent, including, but not limited to, the Macronix Generation F NOR Page Mode Parallel Flash

1 Memory (75 nm Technology Node) family of products, the Macronix Generation E NOR Page
2 Mode Parallel Flash Memory (110 nm Technology Node) family of products and/or the
3 Macronix Generation E NOR Serial Flash Memory (110 nm Technology Node) family of
4 products. A chart demonstrating how each of the Macronix Generation F NOR Page Mode
5 Parallel Flash Memory (75 nm Technology Node) family of products, the Macronix Generation
6 E NOR Page Mode Parallel Flash Memory (110 nm Technology Node) family of products and
7 the Macronix Generation E NOR Serial Flash Memory (110 nm Technology Node) family of
8 products satisfies exemplary 1 of the '666 Patent, is attached as Exhibit P (under seal).

9 107. Upon information and belief, the Macronix Defendants have directly contributed
10 to and/or induced infringement of the '666 Patent through supplying infringing components to
11 their customers. The Macronix Defendants' customers, downstream companies, and/or
12 customers of downstream companies who purchased such components and operate such
13 components in accordance with the Macronix Defendants' instructions directly infringe one or
14 more of claims 1, 3-5, 8 and 10-13 of the '666 Patent by others in the United States.

15 108. Upon information and belief, the Macronix Defendants were aware of the '666
16 Patent or will have knowledge of the '666 Patent and their infringing activity based on the
17 public filing of this Complaint.

18 109. Upon information and belief, the Macronix Defendants have indirectly infringed
19 and continue to indirectly infringe the '666 Patent by actively inducing others, including at least
20 the Acer Defendants, Amazon, the ASRock Defendants, the Asus Defendants, Belkin, the D-
21 Link Defendants, Leap Motion, the Lowe's Defendants, Microsoft, the Nintendo Defendants
22 and Sercomm, to offer for sale and/or sell within the United States, and/or import into the
23 United States, devices containing the infringing Macronix Chips.

24 110. Upon information and belief, the Macronix Defendants have also indirectly
25 infringed and continue to indirectly infringe the '666 Patent by actively inducing others,
26 including at least the Acer Defendants, Amazon, the ASRock Defendants, the Asus Defendants,
27 Belkin, the D-Link Defendants, Leap Motion, the Lowe's Defendants, Microsoft, the Nintendo
28

1 Defendants and Sercomm, and/or end-users of consumer devices containing the Macronix
2 Chips, to perform some or all of the steps of the method claims of the '666 Patent.

3 111. Upon information and belief, the Macronix Defendants specifically intend to
4 induce the direct infringement of the '666 Patent by instructing and encouraging their customers
5 and downstream companies to use the Macronix Chips. Such instructions and encouragement
6 include but are not limited to advising third parties to use the Macronix Chips in an infringing
7 manner, advertising and promoting the use of the Macronix Chips in an infringing manner, and
8 distributing guidelines and instructions to third parties on how to use the Macronix Chips in an
9 infringing manner.

10 112. The Macronix Defendants encourage downstream companies worldwide to
11 switch from Spansion chips to the infringing Macronix Chips. For example, the Macronix
12 Defendants publicly publish and maintain a series of Application Notes explaining and directing
13 how to do so. Exhibit F. One such Application Note is entitled "Replacing Spansion
14 S25FL128S with Macronix MX25L12835F," and teaches the Macronix Defendants' customers
15 how to replace Spansion products with infringing Macronix Chips. Exhibit G.

16 113. The Macronix Defendants include instructions with the Macronix Chips and on
17 their web site teaching users of the Macronix Chips to install and use the Macronix Chips. *See*
18 Macronix Datasheets, Exhibits H-L. For example, the Macronix Defendants provide
19 instructions on their web site and with the Macronix Chips teaching users how to program the
20 Macronix Chips. *See, e.g.*, MX29GL128F Datasheet, Exhibit J, at 9, 14, 18. When Macronix's
21 customers use Macronix Chips in their intended manner, as described in Exhibit P, the
22 Macronix customers directly infringe the asserted claims of the '666 Patent.

23 114. The Macronix Defendants have had knowledge of the '666 Patent at least as of
24 the filing of this Complaint and, by continuing the actions described above, knew that the acts
25 that they encouraged others to take infringed the '666 Patent.

26 115. Upon information and belief, the Macronix Defendants also contribute to the
27 infringement of others by offering to sell, selling within the United States, and/or importing into
28 the United States the Macronix Chips that constitute a material part of the invention claimed in

1 the '666 Patent, knowing the same to be especially made and/or adapted for use in an
2 infringement of the '666 Patent, and not staple articles of commerce suitable for substantial non-
3 infringing use. The Macronix Chips are specially designed to infringe the asserted claims of the
4 '666 Patent and have no substantial non-infringing uses.

5 116. The Macronix Defendants' infringing activities have caused and will cause
6 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
7 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
8 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
9 further infringing activity.

10 **Acer Defendants**

11 117. The Acer Defendants have infringed, and continue to infringe, the '666 Patent by
12 making, using, offering for sale, and selling within the United States, and/or importing into the
13 United States, electronic devices that contain infringing Macronix Chips, including but not
14 limited to the Acer Aspire V5 laptop computer.

15 118. The Acer Defendants' infringing activities have caused and will cause Spansion
16 irreparable harm for which there is no adequate remedy at law and damages in an amount yet to
17 be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284,
18 Spansion is entitled to recover damages, as well as permanent injunctive relief against further
19 infringing activity.

20 **Amazon**

21 119. Amazon has infringed, and continues to infringe, the '666 Patent by making,
22 using, offering for sale, and selling within the United States, and/or importing into the United
23 States, electronic devices that contain infringing Macronix Chips, including but not limited to
24 the Amazon Kindle Paperwhite e-reader.

25 120. Amazon's infringing activities have caused and will cause Spansion irreparable
26 harm for which there is no adequate remedy at law and damages in an amount yet to be
27 determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spansion
28

1 is entitled to recover damages, as well as permanent injunctive relief against further infringing
2 activity.

3 **ASRock Defendants**

4 121. The ASRock Defendants have infringed, and continue to infringe, the '666 Patent
5 by making, using, offering for sale, and selling within the United States, and/or importing into
6 the United States, electronic devices that contain infringing Macronix Chips, including but not
7 limited to the ASRock X79 Extreme 11 motherboard.

8 122. The ASRock Defendants' infringing activities have caused and will cause
9 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
10 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
11 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
12 further infringing activity.

13 **Asus Defendants**

14 123. The Asus Defendants have infringed, and continue to infringe, the '666 Patent by
15 making, using, offering for sale, and selling within the United States, and/or importing into the
16 United States, electronic devices that contain infringing Macronix Chips, including but not
17 limited to the Asus RT-N16 router.

18 124. The Asus Defendants' infringing activities have caused and will cause Spansion
19 irreparable harm for which there is no adequate remedy at law and damages in an amount yet to
20 be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284,
21 Spansion is entitled to recover damages, as well as permanent injunctive relief against further
22 infringing activity.

23 **Belkin**

24 125. Belkin has infringed, and continues to infringe, the '666 Patent by making, using,
25 offering for sale, and selling within the United States, and/or importing into the United States,
26 electronic devices that contain infringing Macronix Chips, including but not limited to the
27 Belkin N600 DC router.
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1 126. Belkin's infringing activities have caused and will cause Spansion irreparable
2 harm for which there is no adequate remedy at law and damages in an amount yet to be
3 determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spansion
4 is entitled to recover damages, as well as permanent injunctive relief against further infringing
5 activity.

6 **D-Link Defendants**

7 127. The D-Link Defendants have infringed, and continue to infringe, the '666 Patent
8 by making, using, offering for sale, and selling within the United States, and/or importing into
9 the United States, electronic devices that contain infringing Macronix Chips, including but not
10 limited to the D-Link DIR-655 Xtreme N Gigabit router.

11 128. The D-Link Defendants' infringing activities have caused and will cause
12 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
13 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
14 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
15 further infringing activity.

16 **Leap Motion**

17 129. Leap Motion has infringed, and continues to infringe, the '666 Patent by making,
18 using, offering for sale, and selling within the United States, and/or importing into the United
19 States, electronic devices that contain infringing Macronix Chips, including but not limited to
20 the Leap Motion wireless controller.

21 130. Leap Motion's infringing activities have caused and will cause Spansion
22 irreparable harm for which there is no adequate remedy at law and damages in an amount yet to
23 be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284,
24 Spansion is entitled to recover damages, as well as permanent injunctive relief against further
25 infringing activity.

26 **Lowe's Defendants**

27 131. The Lowe's Defendants have infringed, and continue to infringe, the '666 Patent
28 by making, using, offering for sale, and selling within the United States, and/or importing into

1 the United States, electronic devices that contain infringing Macronix Chips, including but not
2 limited to the Iris RC8221 wireless camera.

3 132. The Lowe's Defendants' infringing activities have caused and will cause
4 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
5 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
6 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
7 further infringing activity.

8 **Microsoft**

9 133. Microsoft has infringed, and continues to infringe, the '666 Patent by making,
10 using, offering for sale, and selling within the United States, and/or importing into the United
11 States, electronic devices that contain infringing Macronix Chips, including but not limited to
12 the Microsoft Surface Pro 2.

13 134. Microsoft's infringing activities have caused and will cause Spansion irreparable
14 harm for which there is no adequate remedy at law and damages in an amount yet to be
15 determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spansion
16 is entitled to recover damages, as well as permanent injunctive relief against further infringing
17 activity.

18 **Nintendo Defendants**

19 135. The Nintendo Defendants have infringed, and continue to infringe, the '666
20 Patent by making, using, offering for sale, and selling within the United States, and/or importing
21 into the United States, electronic devices that contain infringing Macronix Chips, including but
22 not limited to Nintendo 3DS Game Cartridges and the Nintendo Wii U console.

23 136. The Nintendo Defendants' infringing activities have caused and will cause
24 Spansion irreparable harm for which there is no adequate remedy at law and damages in an
25 amount yet to be determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283
26 and 284, Spansion is entitled to recover damages, as well as permanent injunctive relief against
27 further infringing activity.

28 **Sercomm**

1 137. Sercomm has infringed, and continues to infringe, the '666 Patent by making,
2 using, offering for sale, and selling within the United States, and/or importing into the United
3 States, electronic devices that contain infringing Macronix Chips, including but not limited to
4 Iris RC8221 wireless camera.

5 138. Sercomm's infringing activities have caused and will cause Spansion irreparable
6 harm for which there is no adequate remedy at law and damages in an amount yet to be
7 determined for which Spansion is entitled to relief. Under 35 U.S.C. §§ 283 and 284, Spansion
8 is entitled to recover damages, as well as permanent injunctive relief against further infringing
9 activity.

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PRAYER FOR RELIEF

WHEREFORE, Spansion respectfully requests:

- A. Entry of judgment that Defendants have infringed, directly and indirectly, one or more claims of the Spansion Patents;
- B. A judgment and order permanently enjoining the Macronix Defendants, and the directors, officers, agents, servants and employees of each of the Macronix Defendants, and those acting in active concert or participation with the Macronix Defendants from infringing, directly or indirectly, the Spansion Patents;
- C. A judgment and order permanently enjoining the Defendants and each Defendant's parent corporations, subsidiaries and affiliates from making, using, offering for sale and selling within the United States, and/or importing into the United States, electronic devices that contain infringing Macronix Chips;
- D. Damages to compensate Spansion for Defendants' infringement, including all compensatory damages incurred in this case, including all pre-judgment and post-judgment interest and enhanced damages;
- E. An award of reasonable attorneys' fees under 35 U.S.C. § 285;
- F. Such other and further relief as this Court may deem just and proper.

April 28, 2014

/s/ Andrew N. Thomases
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Attorneys for Plaintiff
SPANSION LLC

DEMAND FOR JURY TRIAL

Plaintiff Spansion LLC demands a trial by jury pursuant to Rule 38(b) of the Federal Rules of Civil Procedure.

April 28, 2014

/s/ Andrew N. Thomases
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